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CHILD WELFARE IN PROGRESS

Information Guide To The Child Welfare Act

Unit IV

Children's Guardian and Directors

Temporary Guardianship

Permanent Guardianship

Alberta
SOCIAL SERVICES

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ALBERTA SOCIAL SERVICES

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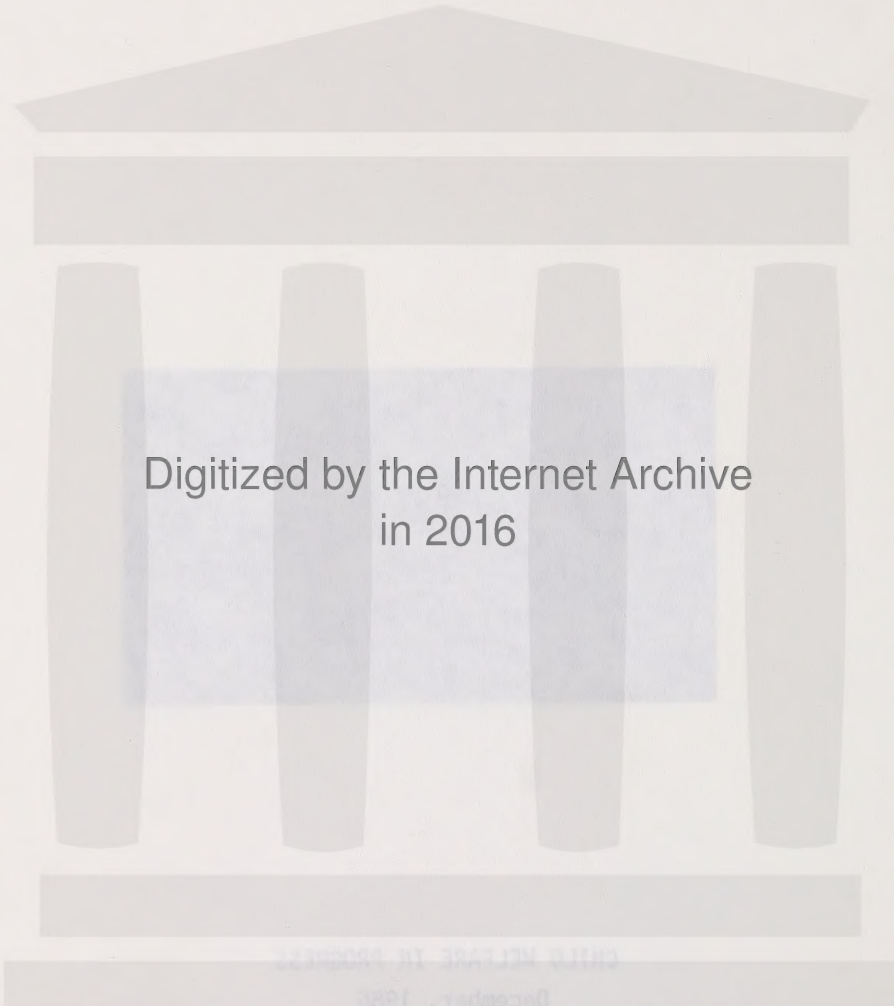
CHILD WELFARE IN PROGRESS
December, 1986



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Joyce Hanley - Training Officer, Training Resources Corporate Staff Development.

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Ann Moore - Regional Planner, South Region, Alberta Social Services.

Danny Roy - Regional Staff Development Coordinator, Northeast Region.

PREAMBLE

Child Welfare is a complex field in which you, as a child welfare worker, have many important responsibilities. When exercising these responsibilities, the uniqueness of each situation requires your own professional judgement and common sense, rather than reliance on a set of prescribed directives. The nature of your work, therefore, can be challenging, rewarding, and, at times, frustrating.

On July 1, 1985 the Alberta Legislative Assembly proclaimed the current Child Welfare Act. This Act represents an attempt to clarify the government's role with respect to child welfare issues. It also reflects the principles of effective casework practice. In order to help you to understand the legislation, we have developed seven informational guides and four videotapes on the Act. Further information can be found in the Act itself and other supportive documents listed at the end of each section of the module. It is important that you familiarize yourself with the pertinent sections of the Act. This will help clarify your role and provide guidelines for decision making.

I am hopeful that these documents will help you in your endeavor to assist the children and families with which you work.

Sincerely,

Helen Wentz

Helen Wentz
Senior Director
Family and Children's Services
Alberta Social Services

HOW TO USE THIS MODULE

This module and others in the "Information Series" are meant to provide you with a quick overview of the Child Welfare Act. The modules can be used as an information source by themselves or used along with the 15-20 minute video-tapes that may be available to you.

The overall objective of these modules is to give you, the child welfare worker, an information guide which answers some of the questions you may have when carrying out your role.

The format of each module is:

1. A schematic of the series;

2. An outline of the information contained in the particular module;

3. Critical information highlighted (enclosed in boxes) in each section;

4. Questions, case studies and checklists that you can use to test yourself on the content of each section of the module; and

5. A reference list at the end of each section of the module.

THE INFORMATION GUIDE SERIES

UNIT I

1. BACKGROUND INFORMATION
2. PHILOSOPHICAL PRINCIPLES
3. MATTERS TO BE CONSIDERED
4. MAJOR INNOVATIONS
5. DEFINITIONS

UNIT II

1. PRELIMINARY INTERVENTIONS
2. CONFIDENTIALITY
3. AGREEMENTS

UNIT III

1. SUPERVISION ORDERS
2. APPREHENSIONS
3. SERVICE FOR COURT AND RIGHTS OF APPEARANCE

UNIT IV

1. CHILDREN'S GUARDIAN AND DIRECTORS
2. TEMPORARY GUARDIANSHIP
3. PERMANENT GUARDIANSHIP

UNIT V

1. CONFINEMENT OF AN APPREHENDED CHILD
2. SECURE TREATMENT CERTIFICATE
3. SECURE TREATMENT ORDER
4. APPEAL PROCESS

UNIT VI

1. JOINT GUARDIANSHIP
2. PRIVATE GUARDIANSHIP
3. ADOPTION

UNIT VII

YOUNG OFFENDERS ACT

1. DEFINITIONS AND PRINCIPLES
2. PRE-COURT PROCEEDINGS
3. ROLE OF THE COURT
4. POST-COURT PROCEEDINGS

UNIT IV
Guardianship

SECTION 1

Children's Guardian and Directors	A description of: the term guardianship, the role of the Children's Guardian, the role of a director, and the relationship between a director and the Children's Guardian.

SECTION 2

Temporary Guardianship	A description of what a temporary guardianship order is, what it does, and the conditions that must be satisfied in order for a temporary guardianship order to be granted.

SECTION 3

Permanent Guardianship	A description of what a permanent guardianship order is and the conditions under which it is granted.

INTRODUCTION

As a child welfare worker you will encounter situations in which the survival, security and development of the child cannot be adequately protected by the guardians. This may include cases of physical or sexual abuse where the abusing parent is likely to continue the abuse, and the other parent is unable or unwilling to protect the child. It might also include some situations of neglect, especially with younger children.

In these instances you may feel that less intrusive measures would still place the child at risk. If there are no other appropriate options open to you, the most feasible action would be for the Department to assume guardianship and remove the child from the family.

In this module we will explore some of the factors that must be thought through when considering guardianship orders, the options open to you in these situations, and the conditions that must be satisfied when seeking an order.

While we have reportedly stressed the principle of least intrusion, this is not to be used as a reason for not acting promptly when a situation calls for stronger measures to ensure the safety of the child. The principle of least intrusion doesn't imply that all less intrusive measures must be exhausted before a more intrusive action can be taken. It means making the least intrusive intervention that is consistent with protection of the child. In some cases least intrusion means the removal of a child promptly from an environment that endangers her physical and mental health. This module addresses these situations.

In this section we will explore the various topics related to guardianship under the Child Welfare Act.

Guardianship refers to the legal responsibility and authority, on behalf of a child to:

- make decisions
- give consent
- monitor
- advocate

Under the Child Welfare Act two authorities share responsibility for the care and protection of a child: a director and the Children's Guardian. We will first examine the respective roles of these two authorities, and then explore two types of guardianship orders: temporary guardianship and permanent guardianship.

SECTION I: CHILDREN'S GUARDIAN AND DIRECTORS

The Role of the Children's Guardian

The Office of the Children's Guardian was created in July 1985 through the proclamation of the Child Welfare Act. The Act requires the Minister to appoint a Children's Guardian, and empowers the Provincial Court to designate the Children's Guardian as the guardian of all children who come under the care of the Department through a permanent guardianship order or agreement. In addition the Children's Guardian is appointed by the Provincial Court as a joint guardian of children for whom temporary guardianship is ordered. This includes the following responsibilities to:

- assume the guardianship role for children under permanent guardianship orders or agreements, and
- share joint guardianship of children under temporary or joint guardianship orders.

A child in Alberta is placed under guardianship through a Court order when the judge finds, from the evidence presented, that the child is in need of protective services, and that the child's physical or emotional well being is at substantial risk if the child remains in the family.

As was stated previously, guardianship involves making decisions, giving consents, monitoring and advocating; hence, the Children's Guardian is legally responsible for all four of these areas.

These responsibilities are operationalized through the following roles of the Children's Guardian:

1. *Decision Making

- ° Makes decisions as to the appropriateness of major medical surgery such as: corrective surgery, and abortions.
- ° Develops plans for an established positive working relationship with all other guardians of a child who is under permanent guardianship.
- ° Decides if a placement for adoption or private guardianship is appropriate.
- * (All decision making by the Children's Guardian is also governed by Section 2, "Matters to be considered").

2. *Consent

- ° Consents to major medical treatment on surgical procedures.
- ° Consents to termination of guardianship.
- ° Consents to: marriage, change of name, initiation or defense of civil action, certain mental health therapy, etc. for a child under a permanent guardianship order.
- ° Consents to autopsies, burials, etc. for children under permanent guardianship orders and agreements.
- ° Consents to an out-of-province placement for a child under a guardianship order or agreement.
- ° Consents to adoption with a view to placement.
- ° Consents to private guardianship orders.
- ° Consents to change of child's religious affiliation.
- * (Without the consent of the Children's Guardian or his designate none of the above actions can take place).

3. Monitoring

- Monitors case plans to ensure that adequate care and treatment plans are prepared for children under guardianship orders and agreements (systematic monitoring).
- Monitors the implementation of case plans to ensure their continued appropriateness (systematic monitoring).
- Responds to complaints or concerns from children, social workers, guardians, caregivers, other professionals, and the public related to children under guardianship.
- Gathers information (through reviews, interviews, surveys and research) with reference to suspected systemic problems.
- Identifies factors that may lead to the need to place children under guardianship.
- Identifies programs, policies, or practices which are deemed to be beneficial to children under guardianship.

4. Advocacy

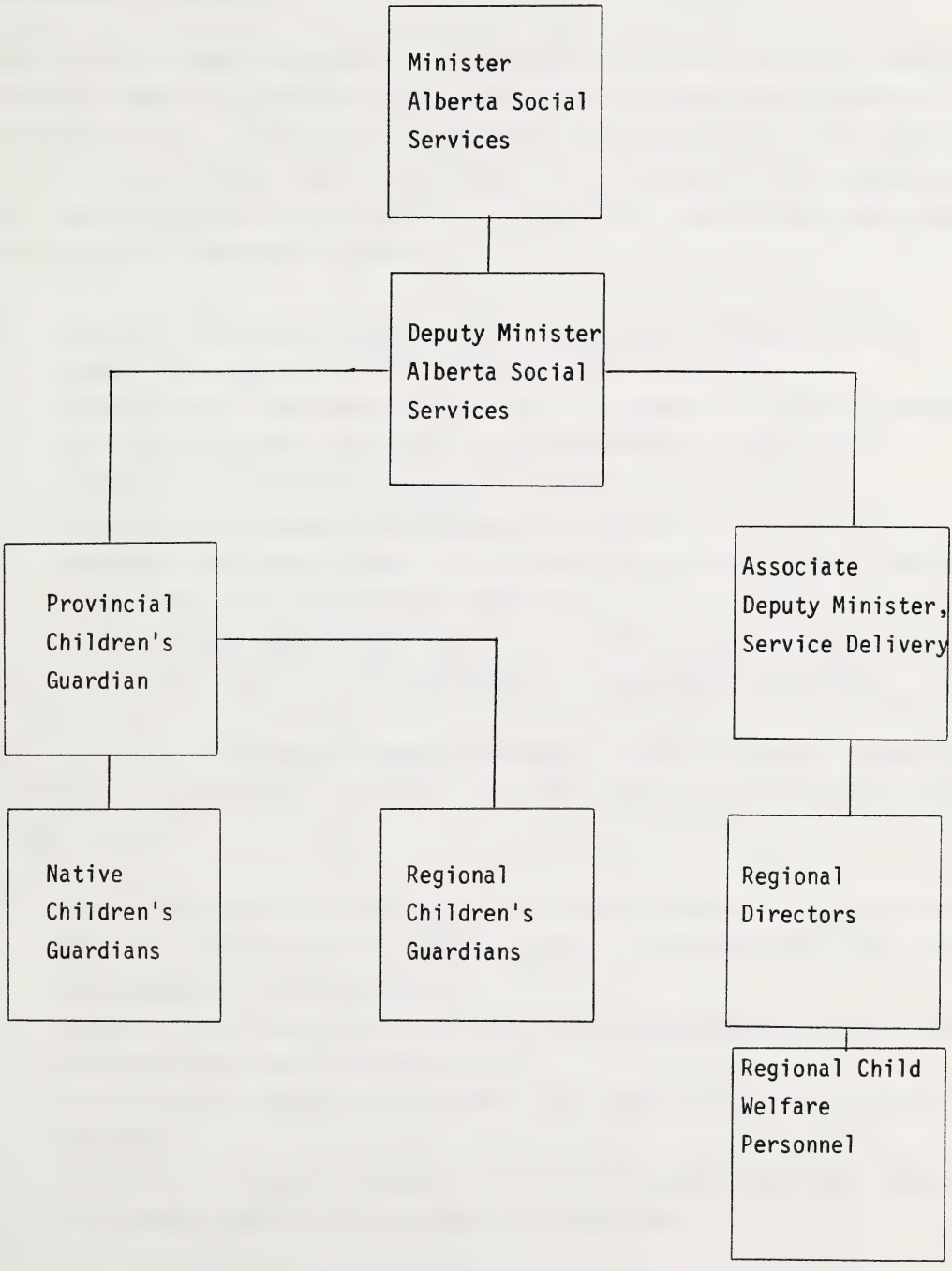
- Requests legal representation for children under guardianship and deals with appropriation of costs.
- Advocates within the system to ensure appropriate and adequate steps are taken to identify needs of the child and that case plans are adequate, regularly reviewed, and implemented appropriately.
- Identifies and reports systemic problems and deficiencies with the system relating to the care of children, and proposes remedial action.
- Makes recommendations for preventive efforts with reference to factors that may lead to the need to place children under guardianship.
- Recommends implementation of programs, policies or practices deemed to be beneficial to children.

As is evidenced through these roles, the Children's Guardian is ultimately responsible for ensuring that individual children under his guardianship

receive proper care and, when this care is not provided, acts as an advocate on behalf of the children.

The Department has one provincial Children's Guardian and six Regional Children's Guardians, one in each of the six regions of Alberta Social Services. There are also provincially appointed Native Children's Guardians who share guardianship responsibilities with the Regional Children's Guardians. Many of the responsibilities of the provincial Children's Guardian are delegated to the Regional Children's Guardians.

To provide for autonomy and objectivity of the role of Children's Guardians, their reporting relationship has been separated from Departmental Service Delivery. The Provincial Children's Guardian reports directly to the Deputy Minister. The following organizational chart reflects this separation of roles:


Minister
Alberta Social
Services
Deputy Minister
Alberta Social
Services
Provincial
Children's
Guardian
Associate
Deputy Minister,
Service Delivery
Native
Children's
Guardians
Regional
Children's
Guardians
Regional
Directors
Regional Child
Welfare
Personnel

The Role of a Director

While the Children's Guardian is responsible for functions such as decision-making, consenting, monitoring and advocacy of children under guardianship of the Department, a director is responsible for providing for the day-to-day care of these children and, in addition, for providing protective services for all other children who come under the legislation. Some of the major responsibilities of a director include:

- planning, organizing and delivering services for children in care.
- supervising personnel delivering child welfare services.
- receiving and investigating reports of children in need of protective services and, where necessary, reporting findings to the court.
- entering into support and custody agreements.
- entering into permanent guardianship agreements.
- applying for court orders (i.e. supervision, apprehension, temporary guardianship and permanent guardianship)
- investigating adoption applications and submitting court reports.
- providing for the care and maintenance of apprehended children.

The separation of authority between a director and the Children's Guardian has a number of advantages, both for the child and the child welfare worker. These include:

- removal of conflicts that might occur when one person is responsible for both the administration of child welfare responsibilities and advocacy for change within the system.
- review of decisions by a party specifically designated to act on behalf of the child's best interests.
- provision of checks and balances to ensure quality of service for children.
- creation of a support system to front line workers and other concerned individuals, when systemic changes are required.

Relationship Between a Director and the Children's Guardian

Many of the authorities of the Native/Regional Children's Guardian are in turn sub-delegated to a director. These include authorities such as:

- receiving notice of an application to terminate a permanent guardianship agreement.
- applying to court for an order prescribing conditions for consultation with a guardian of the child, maintenance payments, or access by other guardians, if these issues cannot be resolved by an agreement.
- determining where a child will live, including permission for out-of-province travel.
- involvement with the child's family or significant others.
- referral to counselling (and mental health) resources.
- consent to ordinary medical/dental treatment.
- consent to emergency medical treatment or surgical procedures.
- day-to-day decisions, regarding a child's dress, diet, discipline and other similar matters.

These authorities allow a director to assume custody of a child and provide the day-to-day services that a child requires.

Some authorities, however, are retained by the Native/Regional Children's Guardian. These include:

- consent for major medical treatment and surgical procedures.
- consent to private guardianship.
- consent for change of name of the child, or of marriage.
- consent to permit autopsies and burials.
- consent to adoption.
- consent to change of religious affiliation.
- consent to initiation or defense of civil action.
- consent to participation in research programs.
- consent to certain mental health therapies.
- consent to elective medical and dental treatment.
- consent to out-of-province placements.

These represent major decisions that require the formal involvement of the Native/Regional Children's Guardian to ensure that the decision made best reflects the needs of the child. Many of the authorities that are designated to a director under the act or are sub-delegated from the Native/Regional Children's Guardian are in turn sub-delegated to child welfare personnel in each region, including the child welfare worker.

These authorities include:

- the authority to receive a report of a child in need of protection.
- the authority to investigate a report of neglect or abuse.
- the authority to seek court orders or reviews.
- the authority to consent to ordinary medical/dental treatment and emergency medical/dental treatment.

As a child welfare worker, you also have the power to sub-delegate some of these authorities to care givers such as foster parents, group home supervisors and institutional directors.

Some authorities are, however, retained by a director and regional managers. These are:

Section 8 (2)	-	enters custody agreement with a child 16 years of age or over and takes custody of the child.
Section 10(1)	-	enters a permanent guardianship agreement with the guardian(s) of a child.
Section 4(1)	-	may issue a secure treatment certificate if a child is the subject of a temporary or permanent guardianship order.
Section 56.2(1)	-	shall acknowledge receipt of an adoption petition.
Section 56.3	-	indicates in writing to the Court that the petitioner is fit and proper to adopt.

Section 11(2) - receives notice of an application to terminate a permanent guardianship agreement.

Section 21(1)(a) - receives notices of hearings under this section when the Children's Guardian is the guardian of the child.

Section 42(2) - receives notice of a hearing in respect of an application for a secure treatment order.

Section 47(5)(b) - receives notice of a hearing on a review of a secure treatment order.

As you can gather from the description of authorities, the relationship between the Children's Guardian and a director is a complex one. This complexity is, in turn, reflected in the role that the child welfare worker plays as a representative of both parties.

The success of this relationship is dependent upon two things: first, your understanding of the authorities delegated to you by both parties (through the letter of delegation that you will be issued upon commencement of your position) and, secondly, the degree of effective communication between a director and the Office of the Children's Guardian. Since you are an integral source of information in the decision-making process with respect to children under your care, your communication with line personnel and your documentation will be key factors in establishing effective communication between the two areas.

In Summary

A DIRECTOR	CHILDREN'S GUARDIAN
delivers programs establishes policies provides resources fills in service gaps	monitors programs advocates for children makes major decisions gives consents.

BY SEPARATING THE ROLES IT	AS IN THE FOLLOWING EXAMPLE
1. assures the child has an advocate	a case where the director may be in conflict over what's best for a group and what the individual child needs.
2. avoids conflict of interest	appointing a lawyer to represent the child's interests in a court case when those interests may potentially vary with those of the natural parents and a director.
3. allows Children's Guardian to push for most appropriate services	advocating for services not normally provided by the Department but needed by a specific child or group of children.
4. monitors decision-making	monitoring the quality and appropriateness of case plans.
5. provides advocacy for system as a whole	the Children's Guardian feels a policy is required to ensure children are adequately cared for.

Exercise

1. What are two powers that are delegated to a child welfare worker from a director?

2. What are two powers delegated to a child welfare worker by the Children's Guardian?

3. Who supervises the Children's Guardian? What function does this separation in lines of supervision serve?

Answers

1. Due to the large number of authorities, please consult Tab 04 of the CWIP Handbook.

2. Due to the large number of these authorities, please consult Tab 04 of the CWIP Handbook.

3. The Deputy Minister supervises the Children's Guardian. This separation of levels of accountability from Service Delivery help avoid conflicts of interests and, thus, allow the Children's Guardian to play an objective monitoring and advocacy role.

References

1. Alberta Social Services
Handbook - Child Welfare In Progress
Tab 04.

2. Alberta Social Services
Native Child Welfare Services Practice Guidelines
Pages 16-17.

3. Alberta Social Services
"An Orientation to the Alberta Children's Guardian"
Office of the Children's Guardian.

4. Alberta Social Services
"Office of the Children's Guardian Policy, Procedure, and Criteria for Decisions Manual"
Office of the Children's Guardian.

5. Alberta Social Services
"The Advocacy Role of the Children's Guardian" by Margot Herbert
Office of the Children's Guardian.

6. Alberta Social Services
"The Children's Guardian Monitoring Manual"
Office of the Children's Guardian.

7. Alberta Social Services
"You and the Children's Guardian: Information for Foster Parents, Group Home Workers and Other Care Givers"
Office of the Children's Guardian.

8. Alberta Social Services
"You and the Children's Guardian: Information for Children and Youth"
Office of the Children's Guardian.

SECTION II: TEMPORARY GUARDIANSHIP

One of the most difficult decisions a child welfare worker must make has to do with intrusion into the family. On the one hand, you must deal with the immediate crisis; on the other hand you must do so in a way that addresses the long-range needs of the child. The long range goal should be to maintain the child in, as near as possible, a natural family situation. This should also be facilitated with the least amount of disruption to the life of the child (and the family).

As we have seen in other sections of this manual, there are times when the child cannot be maintained by the family. These are situations in which the child's safety, security and development would be at substantial risk because the guardians are unable or unwilling to provide the type of care and protection that the child needs.

Upon investigation of a report of abuse or neglect, you as a child welfare worker might assess a child to be in need of protective services (Section 1 of the Child Welfare Act). If, as a result of your assessment you decide the following...

a. that abuse/neglect is evident, through your observations or through medical/psychological examination,

b. that if the abuse/neglect continues, the child's safety, security and emotional development would be at risk,

c. that abuse/neglect is part of a consistent and pervasive pattern of the family and has continued over a extended period,

d. that even with Departmental supervision or support, the guardians are unable or unwilling to control the conditions leading to the neglect or abuse, or

e. that there is some likelihood of the pattern of neglect/abuse being remedied if the child is removed from the family for a period of time, then a temporary guardianship order would be appropriate.

Case Example

A mother has been reported to the Department by a hospital because her two-year old daughter has been admitted with a fracture of the upper arm, and a number of bruises to the arm, head and back. Upon investigation the medical staff confirm the child welfare worker's opinion that these injuries and bruises do not usually come from the normal play of a child. Reports from neighbors indicate that the child has been badly bruised a number of times in the past. They also report that the mother drinks heavily and often becomes violent and aggressive during these periods. The child's bruises and injuries seem to follow these episodes. When the mother is questioned about the bruises she reports that the child fell down the steps leading to the apartment. She also angrily states that she does not drink heavily and is not abusive towards her child.

In this case you, as a child welfare worker, might decide to apprehend the child and seek a temporary guardianship order. In order to satisfy the court you would have to prove that:

a. the child is in need of protective services, and

b. the survival, security or development of the child may not be adequately protected if the child remains with her guardian.

but it can be anticipated that within a reasonable time:

c. the child may be returned to the custody of her guardian, or

d. if the child is 16 years of age or over, the child will be able to live independently.

(C.W.A. Section 29 (1))

This order would allow the Department to care for the child while the problems leading to the order are being resolved. Temporary guardianship orders are also time-limited.

Term of Temporary Guardianship

31(1) The total cumulative period during which a child is in the custody of one or more directors or the subject of a temporary guardianship order shall not be more than two years.

(1.1) A period during which a director has custody of a child pursuant to section 20(1) shall not be included in computing the total cumulative period in subsection (1).

(2) Notwithstanding subsection (1), the Court may make a temporary guardianship order with respect to a child for a further cumulative period of not more than two years if the child has not been in the custody of one or more directors or the subject of a temporary guardianship order during the five years immediately preceding the date of the application.

(3) Notwithstanding subsection (1), if the Court is satisfied that there are good and sufficient reasons for doing so, it may make an order of temporary guardianship for one further period of not more than one year.

(C.W.A. Section 31)

The legislation addresses the fact that the longer the child is separated from the family, the less likelihood of her reintegration. Through limiting the cumulative period a child can be the subject of a temporary guardianship order, the Act requires that a concerted effort be made by all parties to resolve the problems leading to temporary guardianship, in order to reunite the child with her family. If the problem cannot be resolved within this time period, then the Department must consider the options available for the long-range care of the child.

This is consistent with Section 2 of the Act ("Matters to be Considered"). Section 2(b) states "the interests of the child should be recognized and protected", while section 2(m) declares that "there should be no unreasonable delay in making or implementing a decision affecting a child."

The Act also requires under Section 29(3) that a caseplan be filed with the court within thirty days of the order, and under Section 29(4) that matters of access, consultation and maintenance be worked out with the guardians.

(C.W.A. Section 29(3) & (4)(a))

Under Section 30 of the Act a request for review of the order can be made by a director at any time, or once during the term of the order by a guardian or the child (if the child is twelve years of age or older).

(C.W.A. Section 30(1)(a)(b))

Exercise

Please indicate whether or not each of the following statements is true or false.

		True	False
1.	Temporary guardianship orders may be extended past the eighteenth birthday of the child.	____	____
2.	The Court may make an order appointing the Children's Guardian as a temporary guardian of the child for a period of not more than one year.	____	____
3.	Temporary guardianship orders may be renewed for a total cumulative period of two years.	____	____
4.	Under a temporary guardianship order, guardians other than the Children's Guardian must apply for an access order if they wish to visit the child on a regular basis.	____	____
5.	Conditions of consultation on matters affecting the child must be negotiated between the child welfare worker and the guardian of the child when the child is under a temporary guardianship order.	____	____

Answers

1. False

2. True

3. True

4. False. The purpose of temporary guardianship is to resolve the problems leading to protection and reunite the child with the family. Contact with the guardians should be encouraged.

5. True. Since the guardianship is shared, consultation issues must be negotiated.

References

1. Alberta Social Services
Handbook - Child Welfare In Progress
Tab 03
Pages 30-62.

2. Alberta Social Services
Program Manual - Child Welfare In Progress
Pages PM33-35.

3. Alberta Social Services
Native Child Welfare Practice Guidelines
Page 10-12.

SECTION III: PERMANENT GUARDIANSHIP

Permanent guardianship is one of the most extreme interventions possible under the Child Welfare Act. It is only used when a child is in need of protection and it is anticipated that her survival, security and development could not be adequately protected if she is returned to her guardians within a two-year time period (or, in the case of a child that will be over sixteen years-of-age within the two year period, the child would not be able to live independently). The purpose of the application is to address the long-range needs of the child by placing the child in an environment where she will receive better care.

If the Court makes a permanent guardianship order, the Children's Guardian is the sole guardian of the child and the Public Trustee is the sole trustee of the estate of the child.

(C.W.A. Section 32(3))

If the Court makes a permanent guardianship order, it may on the application order require that financial contributions be made to the maintenance of the child by:

1. a person other than the Children's Guardian who is legally responsible for the maintenance of the child OR

2. a trustee from property or an estate held in trust for the child.

(C.W.A. Section 32(5))

A director, or the persons ordered to make financial contributions, may apply to the Court for a review of the order.

A former guardian of the child, or any person with whom the child has a significant relationship, may apply for an order prescribing the allowed access to the child during the period of guardianship. The Court will not make this order unless it is satisfied that this access to the child will not interfere with the adoption of the child, and it is in the best interests of the child.

(C.W.A. Section 6 and 7)

If an order of access is made, the child (if 12 years or over) or the person to whom access is provided in the order, may apply to the Court for a review of the order. On hearing this application for review, the Court may continue, vary or terminate the original order.

If a child is the subject of a permanent guardianship agreement or order, the Children's Guardian, if he is satisfied that the child should be returned to the guardianship of the person who was the guardian of the child before the agreement, may apply for an order terminating the permanent guardianship agreement.

(C.W.A. Section 33(1))

Under permanent guardianship the Minister may continue to provide care and maintenance for someone attaining 18 years of age so the child can complete a course of studies or other training. The Regulations of the Child Welfare Act allow for care and maintenance to be provided for up to two years past the eighteenth birthday of the child.

(C.W.A. Section 33(2))

A temporary guardianship order remains in effect until:

- the order expires (6 months) or is terminated by the Court,
- the child attains the age of 18 years, OR
- the child marries.

(C.W.A. Section 38(1))

A permanent guardianship agreement remains in effect until:

- the agreement or order is terminated by the Court,
- the child attains the age of 18 years, OR
- the child marries.

(C.W.A. Section 38(2))

Permanent Guardianship - Summary

CONDITIONS

1. If it cannot be reasonably anticipated that the child could return home within the two year period, a permanent guardianship order would be appropriate through Family Court.

2. In addition to these procedures a judge can also give an access order for any child under temporary guardianship or permanent guardianship if the director and (former) guardian(s) fail to reach an agreement.

3. Maintenance payments can also be ordered under section 32(5).

References

1. Alberta Social Services
Handbook - Child Welfare In Progress
Tab 03
Pages 30-62

2. Alberta Social Services
Program Manual - Child Welfare In Progress
Pages PM37-40

3. Alberta Social Services
Native Child Welfare Services Practice Guidelines
Page 10-12

4. Alberta Child Welfare Act

Exercise

Following is a case study related to the content of this module. Please read it carefully and answer the three questions that follow.

Once you have completed the case study, compare your answers with those on the answer sheets.

Case Example

RE: JONES, Sarah
AGE: Approximately 1½ years
FATHER: Unknown
MOTHER: JONES, Sally
RESIDENCE: #2, 12345 - 91 Street
Edmonton, Alberta

Call is received at Intake from baby-sitter who wants Child Welfare to come pick up a child. Sarah was left with sitter two days ago by mom who was going shopping. She was to return in three hours. Visit to the baby-sitter's home; sitter is 17-years-old with young baby of her own. She has little food (is in receipt of Income Security), and only has a crib for her child.

She met Sarah's mother, who lives in the same apartment block, a few weeks ago. Claims Sarah's mom is on "welfare" and always has a lot of male visitors and wild, noisy parties.

Sarah is in wet diapers and a dirty T-shirt - arrived with no shoes or socks. Examine Sarah, whose hair is matted and filled with lice. She has open sores on her buttocks and what appears to be a cigarette burn on her abdomen. Her right arm is very bruised. She is timid and quiet.

Sitter has no idea where mom could be, but says she is totally unprepared to continue to care for Sarah. (It is now 2:00 P.M. on Thursday afternoon).

Answer Sheet

1. Is apprehension and application for a guardianship order appropriate? Please justify your answer:

2. Under what part of the legislation would you act?

3. What are the major components of your case plan?

Case Example Answer Sheet

1. Apprehension of the child would be appropriate. It is evident that the mother has shown very little responsibility in this situation; however, a further investigation would need to be made to determine:

   a. the extent and causes of the neglect and abuse
   b. the resources available to the family
   c. the mother's willingness to care for the child under the supervision of the Department.

   If as a result of this investigation, you assessed the mother as being unable to or unwilling to care for the child under the supervision of a director then a temporary guardianship order would be appropriate. The length of the order would depend upon your assessment of the mother's willingness and ability to care for Sarah. If the mother seems to have some potential for change a brief period of guardianship may be all that is required.

2. The definition of the child's injuries and the circumstances which make Sarah a child in need of protection should reflect Section 1 of the Act. Section 2 should be considered when weighing the risk to the child and selecting the appropriate intervention.

3. Major components of the case plan should include the following:

   a. assessment and evaluation of mother's parenting skills
   b. full assessment of the child, medically and developmentally
   c. observation of the bonding between mother and child, through regular visits
   d. investigation of mother's social history to determine the possibility of care givers within the extended family
   e. clear expectations for mother around the care and supervision of her child, established through attendance at a parenting course, assignment of a parent aid, etc.

APPENDIX

Analysis of Case Example From Video #4

"Temporary And Permanent Guardianship"

On the following two pages is the analysis of the case example presented at the end of the video entitled "Temporary And Permanent Guardianship Orders". This analysis represents an attempt to review the factors affecting your decision and suggests possible courses of action.

Because no two situations are exactly the same, black and white solutions to these cases are not possible. We also want to emphasize that in "real life" situations it is important to conference these cases with your supervisor and other professionals prior to taking any action (other than emergency action).

CASE EXAMPLE

ASSESSMENT

On the basis of the information presented, this is an infant for whom you have grave concerns; your primary concern on receipt of the call must be this infant's protection. Mother's behavior eliminates her as a caretaker for at least the short term. Since the major issue is this baby's safety, and mother has failed to show appropriate responsibility for ensuring the care of her child, a guardianship order is reasonable.

Apprehension (given your information) is a necessary step; mother, at the point the duty worker is called, cannot be found. It is the responsibility of the duty worker, in consultation with the supervisor, to decide whether the situation warrants immediate intervention through a emergency apprehension, or an application to a judge for an apprehension order. As in the previous case example, application for a temporary guardianship order must be given consideration, but remember, all of your decisions must be based on the information you are able to gather in your assessment.

This case is a more serious one than the previous case examples. Younger children are much more vulnerable in the hands of abusive or neglectful parents. The ability of a young mother in trouble with the law to change her life style for the better, must be weighed against the child's need for stability, bonding to the birth parent versus another psychological parent, and the child's sense of time. A permanent guardianship order may be the most appropriate order for which to apply, once you have weighed these factors.

Investigations Outcomes

A case plan in this situation needs to be established based on the child's need for care. This young mother appears to be unstable and unreliable. Your history check on CWIS reveals past concerns with the baby's care. There is a suggestion of serious medical concerns including possible sexual abuse.

As with the previous example your plan should focus on:

- medical assessment and documentation of injuries and suspected maltreatment.
- provision of appropriate treatment.
- complete assessment of child's developmental stages.
- placement of the child in an appropriate foster home.
- assessment of mother's long range ability to care for the child.
- identification of permanency planning issues.